

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

What is claimed is:

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1. **(Currently Amended)** A cargo restraining brace comprising:
 - A. a fork-shaped portion defined by two parallel, spaced apart legs extending perpendicularly from a cross-member; and
 - B. a locking portion extending from said cross-member in a direction substantially opposite said parallel legs, said locking portion comprising a telescoping locking leg and **an adjustment a ratchet mechanism capable of incrementally moving said telescoping locking leg upon actuation of said ratchet mechanism.**
2. **(Currently Amended)** ~~The cargo restraining brace of Claim 1,~~ **A cargo restraining brace comprising:**
 - A. a fork-shaped portion defined by two parallel, spaced apart legs extending perpendicularly from a cross-member; and**
 - B. a locking portion extending from said cross-member in a direction substantially opposite said parallel legs, said locking portion comprising a telescoping locking leg and an adjustment mechanism,**

- C. wherein each leg is comprised of a first tube axially nested inside a second tube such that said first tubes ~~are~~ is capable of telescoping movement relative to ~~one another~~ said second tube.
3. (Currently Amended) ~~The cargo restraining brace of Claim 1~~ A cargo restraining brace comprising:
- A. a fork-shaped portion defined by two parallel, spaced apart legs extending perpendicularly from a cross-member; and
- B. a locking portion extending from said cross-member in a direction substantially opposite said parallel legs, said locking portion comprising a telescoping locking leg and an adjustment mechanism,
- C. wherein each parallel leg is further defined by a distal end and a proximal end and a shaft perpendicularly extending from the proximal end of said parallel leg.
4. (Original) The cargo restraining brace of Claim 3, wherein said perpendicularly extending shaft is provided with a plurality of adjustment elements along at least a portion of its length.
5. (Original) The cargo restraining brace of Claim 4, wherein said adjustment elements are apertures.
6. (Original) The cargo restraining brace of Claim 4, wherein said adjustment elements are teeth.
7. (Original) The cargo restraining brace of Claim 4, wherein said adjustment elements are threads.
8. (Currently Amended) The cargo restraining brace of Claim 3, wherein ~~said~~ each parallel leg further comprises a securing foot attached to the distal end of ~~each~~ said parallel leg.

9. **(Currently Amended)** The cargo restraining brace of Claim 8, wherein each securing foot comprises a rigid plate perpendicularly attached to said respective leg and an outwardly facing friction pad mounted on said rigid plate.
10. **(Original)** The cargo restraining brace of Claim 9, wherein said friction pad is rubber.
11. **(Currently Amended)** The cargo restraining brace of Claim 3, wherein said cross-member is defined by opposite, open ends each of which is disposed to slidably receive an end of said shaft of said respective leg.
12. **(Currently Amended)** The cargo restraining brace of Claim 11, wherein each of said cross-member open ends ~~are~~ is provided with ~~a plurality of an~~ adjustment elements ~~that correspond with the adjustment elements of the shaft of said leg and the end of said shaft of each respective leg is provided with a plurality of adjustment elements.~~
13. **(Currently Amended)** The cargo restraining brace of Claim 12, wherein said adjustment elements of the cross-member and the respective legs are apertures.
14. **(Currently Amended)** The cargo restraining brace of Claim 12, wherein said adjustment elements of the cross-member and the respective legs are threads.
15. **(Original)** The cargo restraining brace of Claim 11, further comprising a locking mechanism to secure said shaft of said leg to said cross-member and adjustment elements.
16. **(Original)** The cargo restraining brace of Claim 15, wherein said locking mechanism is a spring loaded pin.
17. **(Original)** The cargo restraining brace of Claim 15, wherein said adjustment elements are apertures and said locking mechanism is a spring loaded pin that seats in said apertures.
18. **(Original)** The cargo restraining brace of Claim 15, wherein said adjustment elements are teeth and said locking mechanism is a ratchet that engages said teeth.

19. **(Currently Amended)** The cargo restraining brace of Claim 2, wherein ~~a~~ the first tube of a one of said parallel legs is provided with a plurality of adjustment elements along at least a portion of ~~its~~ said first tube's length.
20. **(Original)** The cargo restraining brace of Claim 19, wherein said adjustment elements are apertures.
21. **(Original)** The cargo restraining brace of Claim 19, wherein said adjustment elements are teeth.
22. **(Original)** The cargo restraining brace of Claim 19, wherein said adjustment elements are threads.
23. **(Currently Amended)** The cargo restraining brace of Claim 2, further comprising a locking mechanism to secure ~~said the~~ first ~~and second~~ tubes of ~~said a~~ parallel leg to said second tube of said parallel leg one another.
24. **(Original)** The cargo restraining brace of Claim 19, wherein said adjustment elements are apertures and further comprising a spring loaded pin that seats in said apertures.
25. **(Original)** The cargo restraining brace of Claim 19, wherein said adjustment elements are teeth and further comprising a ratchet that engages said teeth.
26. **(Original)** The cargo restraining brace of Claim 1, wherein said telescoping locking leg is comprised of a first tube axially nested inside a second tube such that said tubes are capable of telescoping movement relative to one another.
27. **(Original)** The cargo restraining brace of Claim 26, wherein said locking leg is further defined by a distal end and a proximal end and said locking leg is attached to said cross-member at said proximal end of said locking leg.

28. **(Original)** The cargo restraining brace of Claim 26, wherein said first tube of said locking leg is provided with a plurality of adjustment elements along at least a portion of its length.
29. **(Original)** The cargo restraining brace of Claim 28, wherein said adjustment elements are apertures.
30. **(Original)** The cargo restraining brace of Claim 28, wherein said adjustment elements are teeth.
31. **(Original)** The cargo restraining brace of Claim 28, wherein said adjustment elements are threads.
32. **(Currently Amended)** The cargo restraining brace of Claim 27, wherein said locking leg further comprises a securing foot attached to the distal end of said locking leg.
33. **(Original)** The cargo restraining brace of Claim 32, wherein said securing foot comprises a rigid plate perpendicularly attached to said locking leg and an outwardly facing friction pad mounted on said rigid plate.
34. **(Original)** The cargo restraining brace of Claim 33, wherein said friction pad is rubber.
35. **(Currently Amended)** The cargo restraining brace of Claim 26, further comprising a locking mechanism to secure ~~said the first and second tube of said~~ said the first and second tube of said locking leg ~~tubes to the second tube of said locking leg one another.~~
36. **(Currently Amended)** The cargo restraining brace of Claim ~~8~~ 26, wherein said adjustment elements are apertures, said cargo restraining brace ~~and~~ further comprising a spring loaded pin that seats in said apertures.
37. **(Currently Amended)** The cargo restraining brace of Claim ~~8~~ 26, wherein said adjustment elements are teeth, said cargo restraining brace ~~and~~ further comprising a ratchet that engages said teeth.

38. **(Original)** The cargo restraining brace of Claim 1 further comprising a biasing mechanism in at least one of said legs to urge said leg outward.
39. **(Original)** The cargo restraining brace of Claim 1 further comprising an attachment anchor on each of said parallel legs.
40. **(Currently Amended)** The cargo restraining brace of Claim ~~39~~ 40 further comprising a securing element secured between said attachment anchors.
41. **(Original)** The cargo restraining brace of Claim 40 wherein said securing element is a flexible strap.
42. **(Original)** The cargo restraining brace of Claim 40 wherein said securing element is a bar.
43. **(Original)** The cargo restraining brace of Claim 2 further comprising an additional cross-member extending between said parallel legs, said additional cross member capable of being secured selectively along the length of said parallel legs.
44. **(Original)** The cargo restraining brace of Claim 43 wherein said additional cross member is secured between the first tubes of said parallel legs.
45. **(Currently Amended)** A cargo restraining brace comprising:
- A. three telescoping legs, each leg having a first tube axially nested inside a second tube such ~~that each of said first tubes are~~ is capable of telescoping movement relative to the respective second tube in which it is nested~~one another;~~
- B. a first cross-member defined by first and second ends, wherein ~~a first one of said~~ telescoping legs is perpendicularly attached to said cross member at a point between said ends and extends in a first direction and wherein each end of said cross member has ~~a~~ another one of said telescoping legs telescopingly attached perpendicularly thereto such

that said **another ones of said** legs extend perpendicularly from said cross member and parallel with one another **and in a direction opposite said first direction**; and

C. a locking mechanism to secure said first and second tubes of a **one of said** legs to one another.

46. **(Currently Amended)** The cargo restraining brace of Claim 45, wherein said first tube of **one of** said legs is provided with a plurality of adjustment elements along at least a portion of its length.
47. **(Original)** The cargo restraining brace of Claim 46, wherein said adjustment elements are apertures.
48. **(Original)** The cargo restraining brace of Claim 46, wherein said adjustment elements are teeth.
49. **(Original)** The cargo restraining brace of Claim 46, wherein said adjustment elements are threads.
50. **(Original)** The cargo restraining brace of Claim 46, wherein said adjustment elements are apertures and further comprising a spring loaded pin that seats in said apertures.
51. **(Original)** The cargo restraining brace of Claim 46, wherein said adjustment elements are teeth and further comprising a ratchet that engages said teeth.
52. **(Currently Amended)** The cargo restraining brace of Claim 45 further comprising a biasing mechanism in at least one of said legs to urge **said at least one said** leg outward.
53. **(Original)** The cargo restraining brace of Claim 45 further comprising an additional cross-member extending between said parallel legs, said additional cross member capable of being secured selectively along the length of said parallel legs.

54. **(Original)** The cargo restraining brace of Claim 53 wherein said additional cross member is secured between the first tubes of said parallel legs.
55. **(Currently Amended)** A cargo restraining brace comprising:
- A. no more than three telescoping legs, each leg having a first tube axially nested inside a second tube such that each of said first tubes are is capable of telescoping movement relative to the respective second tube in which it is nested ~~one another~~;
- B. a first cross-member defined by first and second ends, wherein a first one of said telescoping legs is perpendicularly attached to said cross member at a point between said ends and extends in a first direction and wherein each end of said cross member has another one of said telescoping legs telescopingly attached perpendicularly thereto such that said another ones of said legs extend perpendicularly from said cross member and parallel with one another in a direction opposite said first direction; and
- C. a locking mechanism to secure said first and second tubes of ~~a~~ one of said legs to one another.